

## **REMARKS**

Claims 100 and 116 have been amended. No claims have been added or cancelled. Claims 1 – 116 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Restriction Requirement:**

Applicants respectfully maintain the traversal of the Examiner's restriction requirement as discussed in Applicants' previous response (dated November 14, 2005). Additionally, a petition under 37 CFR 1.144 is being filed under separate cover requesting withdrawal of the Examiner's restriction requirement.

Furthermore, the Examiner has failed to reply to Applicants arguments regarding the restriction requirement. As noted in M.P.E.P. § 821.01, if a traversed restriction requirement is made final, "the Examiner should reply to the reasons or arguments advanced by applicant in the traverse." The Examiner has failed to respond to any of Applicants' arguments. Instead, the Examiner has merely repeated his previous contention that the two groups of claims are classified in two different subclasses.

### **Objection to the Specification:**

The Examiner objected to the specification "because is contains embedded hyperlink and/or other form of browser-executable code". Applicants have amended the specification changing any hyperlinks into a form that is not browser-executable. Specifically, Applicants have inserted additional spaces into each URI/URL to prevent browsers, word processors, and other applications from recognizing them as valid links. As such, Applicants respectfully request removal of the Examiner's objection to the specification.

### **Section 102e) Rejection:**

The Examiner rejected claims 53-76, 97-100 and 114-116 under 35 U.S.C. § 102(e) as being anticipated by Dutta, et al. (U.S. Publication 2002/0073204) (hereinafter “Dutta”). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 53, Dutta fails to disclose a peer node configured to move from the network location to a different location and wherein the program instructions are further executable within the peer node to discover and access a different instance of the service on a different one of the plurality of peer nodes, wherein the different one of the plurality of peer nodes is local to the different network location. Dutta teaches a system allowing a user of a data sharing application in a peer-to-peer network to review node characterizing data of a node connected to the user’s node and to decide whether or not the peer-to-peer data sharing application should remain connected to the other node. The Examiner cites FIG. 2D and paragraphs [0038] – [0047] where Dutta describes the Gnutella peer-to-peer protocol. Dutta teaches that Gnutella enables distributed query and file sharing across peer nodes in which each node receiving a query request forwards the request on to other peer nodes within a certain number of network hops in addition to responding to the query request if possible (Dutta, paragraphs [0041] – [0042]).

However, Dutta does not mention anything, either at the Examiner’s cited passage or elsewhere, about a peer node being configured *to move from a network location to a different network location*. Nor does Dutta describe that a peer, once moved, can discover and access a different instance of the service on a different one of the peer nodes, where the different one of the peer nodes is *local to the different network location*.

Without some clear teaching describing these limitations, Dutta cannot be said to anticipate claim 53. As the Examiner is surely aware, anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH*

*v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Dutta fails to disclose a peer node configured to move from the network location to a different location and wherein the program instructions are further executable within the peer node to discover and access a different instance of the service on a different one of the plurality of peer nodes, wherein the different one of the plurality of peer nodes is local to the different network location. Therefore, Dutta cannot be said to anticipate claim 53.

Thus, for at least the reasons above, the rejection of claim 53 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 57, 58, 73, 76, 97, 100, 114, and 116.

Regarding claim 55, Dutta fails to disclose wherein the different one of the plurality of peer nodes is operable to: move to a different location; provide a unique identifier to the instance of the service hosted by the particular peer node, wherein the unique identifier distinguishes the different one of the plurality of peer nodes from the other peer nodes on the network; wherein the instance of the service is operable to recognize the different one of the plurality of peer nodes using the unique identifier and to route information provided by the service to the different one of the plurality of peer nodes at the different network location.

The Examiner asserts that FIG. 2D of Dutta discloses that peer nodes are operable to move to different locations. Applicants respectfully disagree with the Examiner interpretation of Dutta. FIG. 2D merely illustrates multiple nodes all at distinct locations. Nothing in FIG. 2D, nor the accompanying description of FIG. 2, mentions anything about peers nodes being operable to move to a different location. The Examiner is merely speculating regarding the working of Dutta's system, which is clearly improper.

The Examiner further contends that FIG. 6 of Dutta discloses a unique identifier for a peer node. However, claim 55 recites more than merely providing a unique

identifier. As noted above, claim 55 recites that the instance of the service (access to which was provided to the different one of the plurality peer nodes) is operable to recognize the different one of the plurality of peer nodes using the unique identify and to route information provided by the service to the different one of the plurality of peer nodes at the different network location. FIG. 6 illustrates the use of an IP address (e.g. 141.211.120.30:3434), which would necessarily change if the peer node moved, which peer nodes cannot in Dutta's system, to a different location. Thus the IP addresses taught by Dutta could not possible be used by an instance of the service to recognize a peer node that has moved.

Dutta does not mention anything about a peer node moving to a different network location and providing a unique identifier usable for an instance of a service to recognize the peer node that has moved and route information to the peer node at the new location.

Thus, for at least the reasons above, the rejection of claim 55 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 56, 98, 99, and 115.

Regarding claim 59, Dutta fails to disclose means for the peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment on the network. The Examiner cites FIG. 2D and paragraphs [0038] – [0047] of Dutta. However, Dutta does not mention peer nodes forming peer groups. Instead, Dutta teaches that each node that receives a query request forwards the request on to all the other nodes it knows about (Dutta, paragraphs [0041] – [0042]). Nowhere does Dutta describe peer nodes cooperating to form peer groups, as suggested by the Examiner.

Dutta also fails to disclose means for the peer nodes to provide, discover and access one or more services in the peer-to-peer environment, wherein at least a subset of the services are core services operable to be used by the plurality of peer nodes in forming and participating in the peer groups. The Examiner fails to cite any portion of

data that discloses the user of core services operable to be used by the plurality of peer nodes in forming and participating in peer groups. Dutta does not mention anything about core servers used in forming and participating in peer groups. Instead, the only services Dutta describes are search query and file sharing services. Neither search querying nor file sharing can be considered to disclose core services operable to be used by peer node in forming and participating in peer groups.

As outlined above, Dutta cannot be said to anticipate claim 59. For at least the reasons above, the rejection of claim 59 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 75, Dutta fails to disclose wherein each of the plurality of peer nodes is operable to move to a different network location. The Examiner again cites FIG. 2D of Dutta. However, as noted above regarding the rejection of claim 53, FIG. 2D merely illustrated multiple nodes at distinct locations. Nothing in FIG. 2D can be construed to disclose that any of the peer nodes are operable to *move* to different network location. Dutta fails to mention anything about peer nodes being operable to move to a different network location.

Additionally regarding claim 75, Dutta fails to disclose means for the instance of the service to recognize the particular one of the plurality of peer nodes and to route information provided by the service to the particular one of the plurality of peer nodes at the different network location. The Examiner cites FIG. 2D, and paragraphs [0038] – [0047] and [0068]. However, none of the Examiner's cited passages mentions anything about means for an instance of a service to recognize a particular peer node and to route information to the particular peer node at a different network location to which the particular peer node has moved. Paragraphs [0038] – [0047] describe the distributed query and file sharing of the Gnutella system, but do not mention anything regarding recognizing a peer node and routing information to the peer node at a different network location to which the particular peer node as moved. Paragraph [0068] describes a graphical user interface that allows a user to view information about the operations of a

peer-to-peer data sharing application that is executing on a given node. However, paragraph [0068] does not mention anything about means for an instance of a service to recognize a particular peer node and to route information provided by the service to the particular peer node at a different network location to which the particular peer node has moved.

For at least the reasons above, the rejection of claim 75 is not supported by the cited art and removal thereof is respectfully requested.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-06800/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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